

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, : Case No. 1:23-cv-00778

Plaintiff, : Judge Timothy S. Black

v. :

CONTENTS OF PNC BANK, ACCOUNT :
NO. XXXXXX5348, IN THE NAME OF
PARTNERS FOR PROGRESS INC., et al., :

Defendants. :

PLAINTIFF UNITED STATES' APPLICATION FOR ENTRY OF DEFAULT

To the Clerk, United States District Court for the Southern District of Ohio:

Plaintiff, the United States of America, by and through counsel, hereby requests a default entry, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Defendant 1, the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc.; Defendant 2, the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc.; FirstEnergy Corp.; Partners for Progress Inc.; and all other persons and entities for failure to plead or otherwise defend herein by filing a claim and answer as required by 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”). The record in this case and the following Declaration support this request.

DECLARATION

1. I, Deborah D. Grimes, Assistant United States Attorney for the Southern District of Ohio, represent the plaintiff, United States of America, in this action.

2. The United States filed a Verified Complaint for Forfeiture *In Rem* on November

27, 2023, against the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc. (Defendant 1) and the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc. (Defendant 2) (the “defendants”). (Doc. 1.) Blane Wetzel, who is a Special Agent with the Federal Bureau of Investigation, verified the complaint. (*Id.*)

3. The complaint alleges that the defendants are subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) because the defendants constitute or are derived from proceeds traceable to conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. §§ 1343, 1346, and 1349. (*Id.*)

4. A Warrant of Arrest *In Rem*, issued by the Court on December 8, 2023, directed the United States Marshals Service (“USMS”), the Federal Bureau of Investigation, any duly authorized law enforcement officer, or their delegate(s) to arrest the defendants. (Doc. 4.) In accordance with the warrant, the USMS confirmed that the defendants were in the custody of the United States, bringing the defendants within the jurisdiction of the Court. (Doc. 5.)

5. Pursuant to Rule G(4)(b)(i) of the Supplemental Rules, “[t]he government must send notice of the action with a copy of the complaint to any person who reasonably appears to be a potential claimant on the facts known to the government before the end of the time for filing a claim under Rule G(5)(a)(ii)(B).” The direct notice instructs the potential claimant or the potential claimant’s attorney of the following: 1) the date when the notice was sent, 2) the deadline for filing a claim which is at least 35 days after the notice was sent, 3) that an answer or a motion under Rule 12 must be filed no later than 21 days after filing the claim, and 4) the name of the government attorney to be served with the claim and answer. Supplemental Rule G(4)(b)(ii). “The notice must be sent by means reasonably calculated to reach the potential claimant.” Supplemental Rule G(4)(b)(iii)(A).

6. In this case, the United States has sent direct notice of this action with a copy of the complaint to all known potential claimants. Specifically, on December 11, 2023, the United States sent direct notice and a copy of the complaint by regular and certified U.S. Mail to potential claimants FirstEnergy Corp. and Partners for Progress Inc., advising them that the deadline for filing a claim was January 15, 2024. (Doc. 7-1.)

7. Counsel for Partners for Progress Inc. confirmed that he had received the United States' notice and that he would not be filing a claim on behalf of Partners for Progress Inc.

8. Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules, the United States is required to publish notice in a manner reasonably calculated to notify potential claimants of the civil forfeiture action on an official internet government forfeiture site for at least 30 consecutive days.

9. The United States posted notice of this civil forfeiture action on the official internet government forfeiture site (www.forfeiture.gov), beginning on December 9, 2023, for 30 consecutive days. (Doc. 6.)

10. As of the filing of this application, which is more than 60 days after the first date of publication and more than 35 days after direct notice was sent to the known potential claimants, no person or entity has filed a claim to the defendants or an answer to the complaint, and the time to do so has expired.

11. Plaintiff knows of no reason why a default should not be entered now against Defendant 1, the Contents of PNC Bank, Account No. xxxxxxx5348, in the name of Partners for Progress Inc.; Defendant 2, the Contents of PNC Bank, Account No. xxxxxxx3639, in the name of Partners for Progress Inc.; FirstEnergy Corp.; Partners for Progress Inc.; and all other persons and entities who might have an interest in the defendants for failure to plead or otherwise defend

herein by filing a claim and answer as required by 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

On this the 8th day of February 2024, I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Deborah D. Grimes
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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, the foregoing Plaintiff United States' Application for Entry of Default was electronically filed with the Clerk of Court using the CM/ECF system which will send electronic notice to all parties of record registered with the CM/ECF system and copies were sent by electronic mail to counsel for FirstEnergy Corp. and Partners for Progress Inc.

s/Deborah D. Grimes
DEBORAH D. GRIMES (0078698)
Assistant United States Attorney